

Roberts	Weinert
Small	Westerfeld
Spears	Winfield
Sulak	Woodruff

Absent—Excused

Cotten	Shivers
Neal	Stone
Nelson	Van Zandt
Redditt	

The Presiding Officer then laid the bill before the Senate, on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—23

Beck	Oneal
Brownlee	Pace
Burns	Rawlings
Collie	Roberts
Davis	Small
Head	Spears
Hill	Sulak
Holbrook	Weinert
Isbell	Westerfeld
Lemens	Winfield
Moore	Woodruff
Newton	

Nays—1

Aikin

Absent—Excused

Cotten	Shivers
Neal	Stone
Nelson	Van Zandt
Redditt	

Adjournment

Senator Brownlee moved that the Senate adjourn until 11:15 o'clock a. m. next Wednesday.

Yeas and nays were demanded, and the motion prevailed by the following vote:

Yeas—14

Beck	Pace
Brownlee	Rawlings
Collie	Roberts
Davis	Small
Isbell	Spears
Moore	Weinert
Oneal	Winfield

Nays—7

Aikin	Sulak
Burns	Westerfeld
Hill	Woodruff
Holbrook	

Absent—Excused

Cotten	Newton
Head	Redditt
Lemens	Shivers
Neal	Stone
Nelson	Van Zandt

The Senate, accordingly, at 12:35 o'clock p. m., adjourned until 11:15 o'clock a. m. next Wednesday, October 6, 1937.

FIFTH DAY

(Wednesday, October 6, 1937)

The Senate met at 11:15 o'clock a. m., pursuant to adjournment, and was called to order by President Woodul.

The roll was called, and the following Senators were present:

Aikin	Oneal
Beck	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Roberts
Cotten	Small
Davis	Spears
Head	Stone
Hill	Sulak
Holbrook	Van Zandt
Isbell	Weinert
Lemens	Westerfeld
Moore	Winfield
Neal	Woodruff
Newton	

Absent—Excused

Nelson	Shivers
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A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Monday, October 4, 1937, was dispensed with.

Leaves of Absence Granted

Senator Shivers was granted leave of absence for today on account of important business, on motion of Senator Pace.

Senator Nelson was granted leave of absence on account of illness, on motion of Senator Oneal.

Message From the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, October 6, 1937.

Hon. Walter F. Woodul, President
of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

H. B. No. 10, A bill to be entitled "An Act to amend Article 1589 of the Penal Code of the State of Texas, 1925, relating to the fees to be charged by private employment agents in Texas, and declaring an emergency."

H. B. No. 40, A bill to be entitled "An Act to amend Articles 5215 and 5216 of the Revised Civil Statutes of the State of Texas, 1925, relating to the fees that may be charged applicants by private employment agents in Texas, authorizing the Commissioner of Labor to prescribe the form of receipts, and declaring an emergency."

S. C. R. No. 2, Granting Honorable Allan D. Montgomery, Judge of the 30th Judicial District, permission to be absent from the State.

H. C. R. No. 2, Granting Vina Wood permission to sue the State of Texas and the State Highway Department for personal damages.

H. C. R. No. 5, Granting Walter Strickland permission to sue the Highway Department and the State of Texas for personal injuries.

H. C. R. No. 7, Requesting the Governor of Texas to submit to this session of the Legislature an amendment to the General Appropriation Bill with reference to the violation of the nepotism law.

H. C. R. No. 8, Granting Mrs. Eura Boulware permission to sue the State of Texas and or the Highway Department for personal damages.

H. C. R. No. 10, Granting permission to Mr. and Mrs. C. F. Rohrer to sue the State of Texas for personal injuries.

H. C. R. No. 13, Granting Mrs. Lillian Stallings Russell and others permission to sue the State of Texas and the Texas A. and M. College for personal injuries.

H. C. R. No. 18, Urging President Roosevelt to call a special session of Congress for the purpose of enacting permanent farm legislation.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Petitions and Memorials

Senator Holbrook submitted, and read to the Senate, the following editorial in the nature of a petition:

When he was stumping for re-election a bare fifteen months ago, Governor Allred had a good deal to say about political smoke screens.

Apparently, the Governor knew whereof he spoke, for at the moment he is engaged in scaring up some dense political smoke.

Obscuring the real issues now confronting the special session of the Legislature which he called, the Governor seems to be giving the political smudge pots a good workout.

Shutting his ears to a statewide cry for tax relief and a plain exposition of how it may be achieved, the Governor chooses to resort to hopping on those who oppose his demand for more and higher taxes.

To recapture public favor, which some observers say he has been losing, the Governor sets the legislative stage to dramatize a conflict between "dollars and humanity."

Senator Holbrook and other members of the Senate, who expose State extravagance and waste and point the way to economy and a lightening of the tax load, are accused of conducting a "sitdown strike for dollars." Himself, the Governor pictures as the champion of "the aged, the underprivileged and the blind."

With all due regard for the Governor and his views, we insist it's a smoke screen.

Who is contesting legitimate aid for the needy? Not Senator Holbrook or anybody else. Who protests succor for hungry children? Nobody except the straw dummy erected by Governor Allred himself. Who objects to helping the indigent blind? None do.

Obscured momentarily, perhaps, by the political smoke, but none the less

real and vital, the basic questions before the Legislature today are simply these, and no camouflage can veil them long:

Will Texas collect some of those \$20,000,000 in back taxes which solvent owners have failed or refused to pay?

Will she sweep the political hangers-on and camp-followers out of her state offices and smash these vote-getting machines that are built and operated at the expense of her citizens?

Will she get rid of useless, money-gorging boards, bureaus and commissions?

Will she kick politics out of State affairs and install business?

Will she quit squandering money and begin saving it?

Will she conduct those affairs so efficiently that her people can prosper and accumulate bounty adequate to insure sustenance and protection for the unfortunate?

Will she devote her best thought and effort to relieving the burden of the taxpayer instead of adding to it?

All they get for it from the Governor, we read, is criticism, but members of the Senate's Economy Committee, after two months of conscientious study and work, are offering specific, detailed suggestions as to how the State can emerge from its present financial quagmire without any tax increases. The Governor—who, as a vote-seeker, just a few months ago, was saying that "we don't need any more taxes, and the taxpayers are entitled to a break"—should welcome these suggestions and should hasten to adopt them.

Instead, he turns a cold shoulder.

What, in brief, does the Committee recommend?

For one thing, it insists that before raising taxes, the Legislature should first try to cut expenses.

The Governor says the committee is "anti-social."

For another, the Committee advises that the State ought to go after \$20,000,000 outstanding delinquent taxes from owners able to pay.

The Governor brands committeemen as promoting a "sitdown strike for dollars."

Further, the Committee proposes a more efficient handling of State funds, a proposal long advocated by State

auditors with a view toward economizing.

The Governor's comment is that Holbrook and his colleagues are "anti-Roosevelt."

The Committee reports that the Governor was derelict in his duty in regard to the State budget.

The Governor remarks something about "blather and fury."

The Committee says that between 500 and 1,000 so-called "employees" on the State pay roll could easily be dispensed with, without impairment of State business.

The Governor replies that he is "fighting for humanity."

Let not the aged, the children, the blind be kidded.

Let them be assured that Senator Holbrook or none of his associates would deprive them of a penny's assistance that is justly due.

The Governor talks about "going forward with the needy" and "furnishing aid to the aged and blind." The Holbrook committee bluntly cites countless ways in which funds for these social security obligations can be obtained—without any additions to the already back-breaking tax burden.

The Governor, it seems, is not averse to tossing good tax money after bad, replenishing his Treasury by more calls on the pocketbooks of those who can't escape.

The Committee would conserve what we have, expend it cautiously, cut out waste and extravagance, and insure that there would always be enough money on hand to take care of the unfortunate which the State has obligated itself to support.

The Committee, by putting the State on a sound and economical operating basis and easing the tax load of all alike, would encourage new industrial development, new jobs, new pay rolls.

At this distance, we'd say more power to the Committee!

No, Mr. Allred, it is not a question of "dollars or humanity." The question is one of an efficiently operated State government or a wasteful and extravagant one.

Pending reading of the editorial, Senator Hill raised a point of order against further reading of it, on the ground that it is not a petition or memorial.

The President overruled the point of order.

Senate Bill No. 2 on First Reading

The following bill was introduced, read first time, and referred to the Committee on Education:

By Senator Cotten:

S. B. No. 2, A bill to be entitled "An Act authorizing cities or towns in this State of a population of not less than 15,100 or more than 15,250, according to the last preceding Federal census, such cities having exclusive control of the schools within its limits, to hold elections for the purpose of applying bond monies already dedicated to public improvements to purposes other than those for which the bond election was authorized or to repurchase and cancel such bonds. Provided that such money may, in the discretion of the governing body, be used for any purpose determined by an election of tax paying voters, and declaring an emergency."

Senate Resolution No. 9

Senator Brownlee offered the following resolution:

Be it Resolved by the Senate of the Forty-fifth Legislature of the State of Texas:

Whereas, It is claimed by Mrs. Broussard of 385 Euclid Avenue, Beaumont, Texas, that rules for the administration of the Texas School for the Deaf, in the City of Austin, deprive her son, Harold Broussard, of the privilege of attending religious worship at the church of his choice; and

Whereas, The Constitution of the United States and the State of Texas, guarantee to each of the inhabitants of this State the right to worship according to the dictates of his respective conscience; and

Whereas, Such deprivation, if true, is a denial to said Harold Broussard of his most sacred right as a citizen of the State of Texas, and of the United States, the right to worship his God in accordance with the dictates of his conscience, and constitutes a serious and dangerous menace to his rights under the Constitutions of said State and Nation; now, therefore, be it

Resolved by the Senate of the Forty-fifth Legislature of the State of Texas, That a committee composed of three Senators be appointed by the President of the Senate, with instruc-

tions to investigate the above stated facts and charges and report its findings to the Senate.

BROWNLEE,
SULAK,
SPEARS.

The resolution was read and was transmitted to the President's table.

Senate Resolution No. 10

Senator Woodruff offered the following resolution:

Be it Resolved, That the caucus report presented to and adopted by the Second Called Session of the Forty-fifth Legislature, 1937, be and same is hereby amended so as to include the following paragraph, viz:

"The Chairman of the Legislative Committee, authorized under the terms of the provisions of House Bill No. 600, Regular Session, Forty-fifth Legislature, 1937, may employ one (1) secretary, not to exceed Five (\$5.00) Dollars per day."

WOODRUFF,
VAN ZANDT.

The resolution was read and was transmitted to the President's table.

Question of Personal Privilege

Senator Holbrook addressed the Senate on a question of personal privilege.

Pending the address by Senator Holbrook, Senator Rawlings occupied the Chair temporarily.

(President in the Chair.)

House Concurrent Resolutions Referred

The following resolutions, received from the House today, were laid before the Senate, read severally, and referred to the committees indicated:

H. C. R. No. 18, to Committee on Agriculture.

H. C. R. No. 7, to Committee on State Affairs.

H. C. R. No. 5, to Committee on State Affairs.

H. C. R. No. 2, to Committee on State Affairs.

H. C. R. No. 8, to Committee on State Affairs.

H. C. R. No. 10, to Committee on State Affairs.

H. C. R. No. 13, to Committee on State Affairs.

House Bills on First Reading

The following bills, received from the House today, were laid before the Senate, read first time, and referred to the committee indicated:

H. B. No. 10, to Committee on Labor.

H. B. No. 40, to Committee on Labor.

Senate Resolution No. 10

On motion of Senator Woodruff and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

S. R. No. 10, Amending the caucus report to authorize employment of a secretary by the Chairman of the Senate Committee appointed pursuant to H. B. No. 600, passed during the Regular Session of the Forty-fifth Legislature.

The President laid the resolution before the Senate, and it was adopted.

Question of Personal Privilege

Senator Cotten addressed the Senate on a question of personal privilege.

Senate Resolution No. 9

On motion of Senator Brownlee, and by unanimous consent, the regular order of business was suspended, to take up for consideration at this time the following resolution:

S. R. No. 9, Providing for investigation of the charges that a certain student of the Texas School for the Deaf is being deprived of the right of religious worship at the church of his choice.

The President laid the resolution before the Senate, and it was adopted.

Accordingly, the President appointed the following committee to investigate the charge:

Senators Brownlee, Sulak and Spears.

Senate Resolution No. 7

The President laid before the Senate, as unfinished business for consideration at this time, Senate Resolution No. 7, relating to venue of land title suits to which the State is a party.

Question—Shall the resolution (as amended) be adopted?

On motion of Senator Burns, the resolution was tabled subject to call.

Senate Resolution No. 8

The President laid before the Senate, for consideration at this time, the following resolution:

S. R. No. 8, Requesting the Governor to submit to the present session of the Legislature, for consideration, the subject of revising and reducing appropriations made for the ensuing biennium.

Senator Burns offered the following amendment to the resolution:

Amend Senate Resolution No. 8, by adding a new resolving clause after the end of the present resolving clause to read as follows:

Be it further resolved by the Senate of Texas, That the authors of this resolution are hereby requested to prepare Appropriation Bills covering each of said appropriations that were passed during the regular session of the Legislature, showing in the said Bills the amount that can be reduced, the number of places eliminated, and that said Bills shall accompany this resolution before its delivery to the Governor of Texas.

BURNS,
HILL,
SULAK,

Pending consideration of the amendment, Senator Davis occupied the Chair temporarily.

(President in the Chair.)

Senator Brownlee moved the previous question on the amendment and the resolution, and the motion was duly seconded.

Senator Oneal called for a division of the question.

The Senate refused to order the main question on the amendment by the following vote:

Yeas—13

Beck	Rawlings
Brownlee	Small
Holbrook	Stone
Isbell	Weinert
Moore	Winfield
Neal	Woodruff
Pace	

Nays—15

Aikin	Newton
Burns	Oneal
Collie	Redditt
Cotten	Roberts
Davis	Spears
Head	Van Zandt
Hill	Westerfeld
Lemens	

Absent

Sulak

Absent—Excused

Nelson

Shivers

The Senate then refused to order the main question on the resolution.

Senator Moore moved the previous question on the amendment and the resolution.

Senator Van Zandt called for a division of the question.

The main question on the amendment was ordered by the following vote:

Yeas—19

Beck	Redditt
Brownlee	Roberts
Cotten	Small
Davis	Spears
Holbrook	Stone
Isbell	Van Zandt
Moore	Weinert
Neal	Winfield
Newton	Woodruff
Rawlings	

Nays—8

Aikin	Lemens
Burns	Oneal
Collie	Sulak
Hill	Westerfeld

Absent

Head

Pace

Absent—Excused

Nelson

Shivers

The main question on the resolution was ordered by the following vote:

Yeas—17

Beck	Rawlings
Brownlee	Redditt
Davis	Roberts
Holbrook	Small
Isbell	Stone
Moore	Weinert
Neal	Winfield
Newton	Woodruff
Pace	

Nays—11

Aikin	Oneal
Burns	Spears
Collie	Sulak
Cotten	Van Zandt
Hill	Westerfeld
Lemens	

Absent

Head

Absent—Excused

Nelson

Shivers

Question then first recurring on the amendment, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—9

Aikin	Oneal
Burns	Redditt
Collie	Sulak
Hill	Westerfeld
Lemens	

Nays—19

Beck	Rawlings
Brownlee	Roberts
Cotten	Small
Davis	Spears
Holbrook	Stone
Isbell	Van Zandt
Moore	Weinert
Neal	Winfield
Newton	Woodruff
Pace	

Absent

Head

Absent—Excused

Nelson

Shivers

Question next recurring on the resolution, yeas and nays were demanded:

The resolution was then adopted by the following vote:

Yeas—24

Aikin	Brownlee
Beck	Collie

Cotten	Rawlings
Davis	Redditt
Head	Roberts
Hill	Small
Holbrook	Spears
Isbell	Stone
Moore	Sulak
Neal	Weinert
Newton	Winfield
Pace	Woodruff

Nays—5

Burns	Van Zandt
Lemens	Westerfeld
Oneal	

Absent—Excused

Nelson	Shivers
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Adjournment

On motion of Senator Stone, the Senate, at 2:35 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

SIXTH DAY

(Thursday, October 7, 1937)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Woodul.

The roll was called, and the following Senators were present:

Aikin	Pace
Beck	Rawlings
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Davis	Spears
Hill	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Moore	Westerfeld
Neal	Winfield
Newton	Woodruff
Oneal	

Absent—Excused

Head	Nelson
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A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Roberts, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with.

Leaves of Absence Granted

Senator Nelson was granted leave of absence for today, on account of illness, on motion of Senator Oneal.

The following Senators were granted leaves of absence for today on account of important business:

Senator Shivers, on motion of Senator Beck.

Senators Redditt and Spears, on motion of Senator Pace.

Senator Head, on motion of Senator Roberts.

Petitions and Memorials

The President laid before the Senate, and had read, a resolution in the nature of a petition requesting an appropriation by the Legislature to reimburse counties for fees paid to certain officers.

Senator Holbrook submitted a communication in the nature of a petition from Mr. R. M. Farrar, President of the Union National Bank of Houston.

Communication From Board of Control

Senator Burns submitted the following communication from the State Board of Control, which was read to the Senate:

Austin, Texas,
October 6, 1937.

Honorable Harry N. Graves, Member of the Legislature.

Dear Mr. Graves:

In reply to your inquiry as to the condition of Old Age Assistance Fund and the action necessary in case no additional revenue is provided for that division, may we call your attention to some of the provisions of the law and the status of the situation at this time.

Paragraph "B," Section 11 of the present Old Age Assistance law reads as follows: "Provided that if the fund is insufficient to pay all grants in full, the same shall be prorated on the amount granted to each recipient." At the present time the average budget is approximately \$14.00 which has been the scale during the past four or five months. This amount will be insufficient for the coming winter months as the cost of living, medicine, fuel, clothing as well as food will be materially increased.